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STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
BUREAU OF GENERAL SERVICES
BURTON M. CROSS BUILDING
4TH FLOOR, 77 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0077

JOHN ELIAS BALDACCI
GOVERNOR

RYAN LOW
COMMISSIONER

M.F. CHIP GAVIN
DIRECTOR

To: The Joint Standing Committee on State and Local Government
From: Chip Gavin, Director, Bureau of General Services
RE: Statutory Reports
Date: September 4, 2008

From time to time when the Legislature is not in session, I forward information to you that I think might generally be of interest to the Committee. This is one such communication.

The Bureau of General Services, pursuant to different sections of Title 5, is responsible for a variety of reports to the Joint Standing Committee on State and Local Government. I have bundled the reports below for your convenience. More information is available in nearly all cases should you require it.

5 MRSA Ch. 14-A § 305 Capitol Planning Commission

The Capitol Planning Commission continues to meet at least quarterly each year, and operates with a legislatively approved master plan for the orderly development of state buildings and grounds in the Capitol Area of the City of Augusta. To date, a number of projects have been completed under the master plan, including the removal of the Education Building, the completion of the Riverview Psychiatric Center, the partial renovation of the Williams Pavilion and more. Other pending projects include the consolidation of state agencies into the Stone Building on the East Campus and the renovation or replacement on the West Campus of the 19 Union Street building, which formerly housed the Department of Labor. A major accomplishment of the Commission in the past year was the revision and implementation of the Capitol Planning Commission's Rule (Rule 18-134, Chapter 1), which reflects the Master Plan and was the culmination of a 48-month process. It has now been 6 years since the underlying Master Plan has been completed. While constrained by resources, the Capitol Planning Commission has begun to consider when or if a Master Plan update could be deemed appropriate and feasible.

5 MRSA § 1825-P Code of Conduct Report

The law requires a report to you regarding the administrative and fiscal impact of the Code of Conduct law, and the degree of compliance with this law. The law aims to ensure certain standards are met by vendors who sell apparel, footwear or textiles to the state. In calendar year 2007, there were 23 purchases made subject to the code with a total value of \$656,790.58 and a median value of \$9,519. One vendor in 2007 refused to provide the information required by the Code of Conduct, and that vendor's bid was consequently disqualified. Also, an update to this law was approved in 2007. That new law provides for the creation of an advisory body on this topic, the adoption of further rules in this area, and the assessment of a 1 percent fee on relevant purchases to help fund compliance efforts under the law.

Public Law 2007 Ch. 52 Renewable Heat and Electricity Sources

This law requires a report regarding "green energy" in state offices. The electricity used in all state-owned buildings is 100 percent renewable through Maine-based renewable energy credits. The Bureau of General Services has made and continues to make considerable efforts such as this to reduce energy use and to use renewable energy, including both in state-owned and state-leased buildings. BGS was one of 20 businesses, organizations, and institutions statewide to be recognized by the Governor's Carbon Challenge in 2008 for its work in reducing carbon emissions. In that instance, BGS reduced carbon emissions associated with the east campus of state government by 41 percent from 2002 to 2006 through a combination of efforts. State Government continues to use bio-diesel to help heat state buildings, is conducting a demonstration project with wood fuel, and pursuing a variety of other alternative energy and conservation initiatives.

Finally, as part of Public Law 2007, Chapter 52, this effort to use renewable energy will expand into leased space. Leased space will be updating the energy standards it has utilized since 2002 and will seek to increase by 10 percent from 2007 levels the amount of electricity and heating energy used in facilities leased to the state which comes from renewable sources. The Bureau will do this by updating existing energy standards to be implemented in new leases, by encouraging landlords with current or renewing leases to use energy from renewable resources, by investigating the options for direct procurement of renewable resources by the state for leased sites, and by meeting with leased-space stakeholders to suggest, refine and implement these and other improvements. No new statutory authority appears necessary to pursue this effort and no legislation is being requested at this time.

5 MRSA Ch. 153 § 1742-D (8) Status of Current Leases

The Division of Leased Space was established by law in 1991 to procure, administer and hold leases for space on behalf of all departments and agencies. The Division today administers approximately 220 leases statewide totaling approximately 1.6 million square feet of space, primarily office space. The division encourages consolidation and regionalization, seeks to avoid sprawl and emphasizes downtown sites in accordance with the law. Recent department consolidation and co-location efforts have resulted in the reduction of 21 leased and state-owned occupancies to 5 consolidated leased office buildings. State agencies working through the Division lease space in 35 downtown areas and 15 service center communities. The anticipated cost of leased space for the coming fiscal year is approximately \$24.1 million, as is provided in the approved FY09 state budget. The leased space division is an internal service fund and receives no general fund appropriation.

5 MRSA § 1825-B (3) Cooperative Agreement Report

The law authorizes the state to enter into cooperative agreements with the University of Maine System and the Community College Systems when the agreement involves assisting a state agency and enhancing the ability of the University System or Community College System to fulfill its mission. The law providing for cooperative agreements allows competitive bidding to be waived. In calendar year 2007, 138 cooperative agreements were awarded pursuant to this law with a total value of \$28.9 million and a median value of \$35,000.

5 MRSA Ch. 155-A § 1830 Status of Current Fleet Vehicle Operations

This law requires a general report on the Central Fleet Management Division (CFM). CFM was established by the Legislature in 1991 in the Department of Administrative and Financial Services, Bureau of General Services, for the purpose of acquiring, maintaining and managing light duty vehicles for use by State Government and its employees on official state business except the Department of Public Safety. CFM works with agencies to reduce transportation costs. Strategies include minimizing operational disruption by providing well-maintained vehicles, increasing the fuel efficiency of the fleet, right-sizing vehicles to the job that needs to be done to avoid needlessly costly vehicles, converting employees who are being reimbursed for mileage into using more cost-effective state vehicles, and other

initiatives. The fuel efficiency of the passenger car fleet increased in FY07 to 27.54 mpg, a 3.7% improvement since just FY05. The average cost for agencies to operate a CFM car during FY07 was \$0.2806 per mile, well below the State paid mileage rate of an average of \$0.37 per mile for that time period. The fleet had approximately 1,738 vehicles at the end of FY07. Most recently, for example, CFM added vehicles and reduced costs for the Department of Corrections probation officers, DHHS Child and Family Services and for the Department of Labor, Division of Labor Standards. These additional fleet vehicles reduce the transportation costs to these agencies by a combined \$81,000 by eliminating reimbursed mileage expenses.

5 MRSA § 1753 (5) Employment of an Owner's Representative on School Construction Projects

This law requires the Bureau to report on the employment of owner's representatives by school units, and to collect and provide to you the comments of school units that have employed owner's representatives for certain projects. These reports from schools cite numerous advantages to having such a person function as the respective school superintendent's eyes and ears on the project. The comments from several school units are attached.

April 11, 2007

Janet McLaughlin, Director
Bureau of General Services
77 State House Station
Augusta, ME 04333

Dear Ms. McLaughlin:

Over the past few years school construction projects have become increasingly complex, both in terms of process and content. During this same time public demands for transparency, accountability and fiscal restraint have risen as well. Together, these influences have converged to demand that unprecedented attention be given in the development of physical facilities by administration and staff already stretched by their professional duties.

During the development of the Farwell Elementary School, the Lewiston School Department decided to retain an Owner's Representative to assist with project development. The direct benefits to our project included having an experienced professional on our team interacting with the building committee and city officials while providing a neighborhood public relations functions. We have a knowledgeable person reporting directly to us on matters of contract performance of the contractor and design professional; quality assurance of documents; commissioning and special inspections; overview of construction methodologies and quality control; evaluation of change orders and related fees; and impacts on schedules and occupancy.

We fully support having an Owner's Representative as part of our team reporting directly to us. The experience and expertise brought to the project is invaluable, and the expense is minimal compared to the problems that could occur during the construction process. We believe an Owner's Representative is a solid investment that saves everyone time and money.

Sincerely,

Leon Levesque
Superintendent of Schools

Content of e-mail from:

Barbara Rado Mosseau, Superintendent – SAD 3
Thursday, April 12, 2007

Re: Owner's Representative report - SAD 3

What I can tell you is that the OR in my case has been enormously helpful. He has provided guidance and direction to both me and my Board as we move through the beginning phases of our project. He connects, on our behalf, with the construction firm and resolves issues, finds out information and problem-solves issues that I bring to his attention; reviews expenditures for accuracy; advises on project decisions; and more. He truly is my eyes and ears on the project, though I do visit the site and then ask him questions to which he provides clear, concise answers. As superintendent of a PK-12 district that spans 440 sq miles, and one who has no assistant, my time is appropriately taken up with school-based issues. Having someone professional and knowledgeable to keep me properly and clearly informed about the project is essential.

Content of e-mail from:

James Underwood, Superintendent
Tuesday, May 01, 2007

Re: school owner's rep

Calais School District School Construction Project
Superintendent of School's Performance Report Notes regarding School Owner's Rep

Dear Mr. French,

The School Owner's Representative for the Calais Schools Reconstruction and Renovation Project has been invaluable in ensuring the interests of the Calais School District's School Committee, Board of Trustees, and for the Calais taxpayer. The project went well and, overall, I am generally satisfied with the outcome of the project. However, in any project of this magnitude I would imagine close supervision at various critical pieces of the project are critical. That has proven so in Calais. I view the owner's rep on this project and I would imagine in all school construction projects to be vital for maximizing the quality of the outcome. We experienced some problems that would have gone undetected I believe, by both contractor's construction superintendent and other supervisors if not for the close double checking of the owner's rep. With his direction, all parties were able to ensure the quality product both the school district and the DOE wants to see.

May 2, 2007

To: Valerie Chiang, Bureau of General Services
From: Mark Eastman, Superintendent of Schools
Re: Report on Owner's Representative for Paris Elementary School Project

We believe that the Owner's Representative for our recently completed Paris Elementary School construction project was a very effective contributor to the success of the project. We made the decision early in the process that we wanted to fill that role with a "school person" rather than someone from the architectural/engineering or construction fields. We thought that the latter fields of expertise were adequately served by the design team, the commissioning team and the Clerk of the Works. We wanted someone in that position with experience in public education who was familiar with our school system and community. We had such a person on our staff.

Our owner's representative was involved with the project from the very beginning. He wrote the MCIP applications for three schools that we submitted to the Department of Education for the 2001-2002 rating cycle.

When the Department's priority list of projects for that cycle listed the Mildred Fox Elementary School as the third highest need, he took primary responsibility for providing the various reports required by the Department, ranging from regionalization studies to enrollment projections. He led the search for a new school site, did much of the legwork associated with the architect search/selection process and served as a liaison with community and State agencies.

During the design phase of the project, the owner's representative worked closely with the architect and engineers as well as school staff in articulating the school program and designing a building to meet our educational needs. He was involved with the application for and awarding of a high performance school grant from Efficiency Maine, and brought a focus of high performance characteristics pertinent to the learning environment to the design process.

During the construction phase, the owner's representative worked closely with the design team, clerk of the works, general contractor and sub-contractors to ensure that we got a quality building, visiting the site on a nearly daily basis. He served as primary liaison with abutting neighbors of the school site and town officials and was a member of the Building Committee. The owner's representative also took primary responsibility for all moveable equipment for the building.

Our District had no one on staff, other than the owner's representative, who could devote the time and energy to all of the tasks performed relative to this project. Without this position, the project would not have been as successful as it has been.